

## (SP) JURAL BACKGROUND OF THE PLAYER'S AGENT ACTIVITY IN THE HUNGARIAN FOOTBALL

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### **Introduction**

The research examines the legal regulation concerning the player agents working in the Hungarian football. The research group lead by associate professor András Nemes was examining the part of this research concerning Hungary

The modern legal regulation of sport has started in the 50's – 60's in Western Europe, but the existence of sport law, as a separated discipline is still a manner in dispute (Sárközy, 2004). In Hungary, according to the definition of Gyula Eörsi, speciality laws similar to sport law are called “ complex laws spanned on basic laws (Sárközy, 2004).

After Hungary's accession into the EU the Hungarian jurists had to face big challenges. The problem is on one hand the constant need of harmonisation of law between the Hungarian and the Community law, on the other hand the sharing of competencies (Nádori & Bátonyi, 2003; (Nemes A & Tóth, 2002 ; Panagiotopoulos, 2004). Sport wasn't included in the major treaties until the approval of the European Constitution. But no significant change has happened as sport remained in the Member State's competence (Nagy, 2004) Meanwhile the European Court of Justice has brought in several important verdicts in sport affairs, the most known was the Bosman verdict. But the European Court of Justice treat these cases in the field of competition law not sport law (Kecskés, 2004; Kovács & Nemessányi, 2006; Nagy, 2004; Nádori & Bátonyi, 2003).

The bibliography related to the legal background of Hungarian player-agent's activity is quite small, as there is only one essay in this field (Balogh, 2004). The most important part of the player-agent's role is related to the labour law of sport (Tóth, 2006). According to the standpoint of the UEFA, the legal regulation of player-agent's activity is weak. The role played by a player-agent involved in the biggest football scandal confirms the accuracy of the beloved mentioned standpoint.

The legal application is difficult, as the practice has to agree with the regulations of the EU, the Member State, the international treaties and the international associations/federations. (Panagiotopoulos, 2004; Nemes, 2000).

### **Methods**

The legal researches are primarily based on the examination of the legislation and case law. (Babbie, 1989). Content or analysis is a standard methodology in the social sciences on the subject of communication content. Earl Babbie defines it as "the study of recorded human communications, such as books, web sites, paintings and laws" (Babbie, 1989). Accordingly, our primary method must be the processing and comparison of the complete documents. We have processed the entire legal material that relates explicitly to the players' agents. Other

documents influencing the activity of the players' agents have been processed only partially, examining solely those exciting relevance's that the study may be interested in.<sup>12</sup>

Generally, we examined the operation of the players' agents in practice by the means of unstructured interviews. We have interviewed players' agents and people working around them chosen by us. We have made interviews from the governmental sphere with the National Labour Affairs and Labour Safety Supervision and the Data Protection Commissioner; with the Hungarian Football Federation from the sports management; with the managers and football players of the greatest sport clubs and finally with other people interested in the sports business.

## Results

From comparative and dogmatic analysis we can appoint that even if there is no special regulation for player's agents in state legislation, the regulation relative to sportsmen indirectly lay a charge on player's agents also. The sport federal regulation doesn't take account of unappraised government obligations. The two regulations are not compatible with each other and not even with the ILO's agreement. The regulations are deficient regarding the real functional activity of player's agents'

The processing of deep interviews relating to practice confirm that since the change in the system the approach and the method of sport business is wild capitalistic (Laki & Nyerges, 1996). According to the reports of interview subjects, most of the managers and player's agents only care about the literal observation of laws or worse, they ignore it. The sport federation and state institutions for various reasons have passed unmarked over the deficiencies of compatibility in legislation and the functional illegitimacies (Nagyreti & Nemes, 2006). Due to this fact we haven't met any legal case dealing specially with player's agents.

## Discussion

According to us the three basic problems concerning the player's agents are: regulation of the transfer system, training of the player's agents and controlling the activity of the player's agents. A long-range problem could also be an ILO Nr. 181. arrangement concerning the private human work hire, in which the 7. Paragraph explains that a work hire agency can't ask for any fee the employer.

In my esteem the ILO regulation can alter the present system of player's agents. However there is a current theory that international federations don't possess the means to enforce the laws as the EU had in the Bosman case for example. So everything stays in an unvaried way?

## References

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<sup>1</sup> i. international labour law standards, especially the Convention of the International Labour Organisation No.181 on Private Employment Agencies (1997),

i The Hungarian labour law including the Code of Labour, Act on Improvement of Employment, Ministerial decree on authorisation of foreign labourers and Government decree on requirements and registry of private employment agencies

ii. certain standards adopted by the Council of Europe, such as Ethical Code on Sport;

iii. European Community law in certain relation of recruitment of athletes from third country national, preferential treatment and service providers together with temporary provisions after enlargement. Naturally the non-discrimination rule shall be also implemented in sport.

iv. Hungarian provisions on professional sport, including the Act on Sport, sport administration, national system on sport information, qualifications of labourers in sport as well as the National Sport-strategy of Hungary in relation to the changes concerning the labour affairs of the sportsmen .

v. FIFA and HFF Licensed Players' Agents Regulations

<sup>2</sup> Act XXII of 1992 on Labour Code, Act IV of 1991 on Improvement of Employment and Care on Unemployment, Ministerial Decree of the Social, Family and Labour Ministry No.8 of 1999, 1 November on authorisation of foreign labourers in Hungary, Government Decree No. 118 of /2001, 30 April on labour exchange, requirements of operation and registry of private employment agencies

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